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Filing date: **06/23/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062400
Party	Defendant Avalon IP Holding Co.
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Submission	Motion to Extend
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Date	06/23/2016
Attachments	MOTION TO EXTEND - Filed 06-23-2016.pdf(11126 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

AvalonBay Communities, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92062400
)	
Avalon IP Holding Co., LLC,)	
)	
Registrant.)	

MOTION FOR EXTENSION OF TIME

Pursuant to TBMP §509.01, Registrant Avalon IP Holding Co., LLC, hereby respectfully requests that the Board enter an order extending all remaining deadlines in this matter for 60 days. In support of this motion, Registrant states:

1. Petitioner filed the instant proceedings on October 6, 2015.
2. On November 13, 2015, with Petitioner's consent, Registrant filed a motion for extension of time to answer because the parties were engaged in settlement discussions. That motion was granted, and on December 16, 2015, Registrant timely answered.
3. The parties have exchanged written discovery requests and responses, and both parties have produced significant numbers of documents, with Petitioner having produced over 6,000 pages of documents to Registrant, some as recently as June 8, 2016. Both parties have also raised concerns regarding the sufficiency of the other's responses and production.
4. On June 13, 2016, the parties agreed via email to a two-week extension of the expert disclosure deadline, to June 27, 2016. At that time, Registrant further requested Petitioner's consent to a 60 day extension of all deadlines.
5. On June 15, 2016, Petitioner served Registrant with deposition notices for three of Petitioner's witnesses, including its corporate designee(s) pursuant to Rule 30(b)(6).

6. Also on June 15, 2016, apparently recognizing the need for additional time for the orderly completion of discovery in this matter, Petitioner indicated it would consent to a 60 day extension, but only if Registrant would agree not to seek any unconsented extensions in the future.

7. Unable to agree for certain that no further extensions will be necessary, particularly in light of the parties' ongoing discovery disputes, Registrant has been forced to file this Motion for Extension of Time without Petitioner's consent.

Registrant therefore moves for an amended schedule as follows:

Expert Disclosure Due:	08/26/2016
Discovery Closes:	09/11/2016
Plaintiff's Pretrial Disclosures:	10/26/2016
Plaintiff's 30-day Trial Period Ends:	12/10/2016
Defendant's Pretrial Disclosures:	12/25/2016
Defendant's 30-day Trial Period Ends:	02/08/2017
Plaintiff's Rebuttal Disclosures:	02/23/2017
Plaintiff's 15-day Rebuttal Period Ends:	03/25/2017

WHEREFORE, Applicant respectfully requests that the Board grant this motion for an extension of time to answer the Notice of Opposition.

Dated: June 23, 2016

By: /Katherine Dennis Nye/
One of the Attorneys for Registrant,
Avalon IP Holding Co., LLC

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CERTIFICATE OF SERVICE

I, Lee J. Eulgen, an attorney, state that I served a copy of the foregoing Motion for Extension of Time on:

Brent D. Sokol
JONES DAY
555 S. Flower Street, 50th Floor
Los Angeles, CA 90071

Anna Raimer
JONES DAY
717 Texas Avenue, Suite 3300
Houston, TX 77002

via U.S. mail on this 23rd day of June, 2016, with a courtesy copy via email.

/Lee J. Eulgen/
Lee J. Eulgen

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